

***Consulate General of the United States of America,
Frankfurt am Main, Germany***



IMMIGRANTS

General Information on who may qualify for an Immigrant Visa to take up Permanent U.S. Residence and how to file an Immigrant Visa Petition

People who want to live and/or work permanently in the United States require immigrant visas in order to do so. U.S. immigration law provides for immigrant visas in two categories: (I) those who may obtain permanent residence status without numerical limitation, and (II) those subject to an annual limitation. The limited category is further divided into (A) family-sponsored, (B) employment-based, and (C) diversity immigrants.

I. UNLIMITED IMMIGRANTS

A. Immediate Relatives: The spouse, widow(er), minor unmarried children of a United States citizen, and the parents of a United States citizen who is 21 or older.

B. Returning Residents: Previous U.S. lawful permanent residents who are returning to the U.S. after giving up their residence in the U.S.

II. LIMITED IMMIGRANTS

This category is divided into three distinct sub-categories.

A. Family-Based

Family-based preference categories (with minimum limits in parentheses) include:

- 1. First Preference:** Unmarried sons and daughters of U.S. citizens, and children if any.
- 2. Second Preference:** Spouses, children, and unmarried sons and daughters of lawful permanent resident aliens.
- 3. Third Preference:** Married sons and daughters of U.S. citizens, and their spouses and children.
- 4. Fourth Preference:** Brothers and sisters of U.S. citizens, and their spouses and children, provided the U.S. citizens are over 21.

OVERVIEW OF FAMILY SPONSORED IMMIGRATION

Category	Petitioner Requirements
<i>Spouse or minor child of a U.S. citizen</i>	An immigrant visa may only be processed for a child if he/she has no claim to U.S. citizenship
<i>Parent of a U.S. citizen</i>	U.S. citizen must be 21 or older
<i>Step-parent or step-child of a U.S. citizen</i>	Step-parent or step-child relationship must occur before the child's 18 th birthday
<i>Spouse of deceased U.S. citizen</i>	Petition must be filed within 2 years of the death of the U.S. citizen and they must have been married for 2 years or longer
<i>Unmarried son or daughter over the age of 21 of a U.S. citizen</i>	
<i>Spouse or unmarried son or daughter of a lawful permanent residence (LPR)</i>	
<i>Married son or daughter of a U.S. citizen</i>	
<i>Brother or sister of a U.S. citizen</i>	U.S. citizen must be 21 or older

GRANDPARENTS, AUNTS, UNCLES, IN-LAWS AND COUSINS CANNOT SPONSOR RELATIVES FOR IMMIGRATION.

How to apply: If you believe that you qualify for an immigrant visa through the sponsorship of your U.S. citizen or lawful permanent resident relative as described above, **your relative should contact his/her local office of the U.S. Citizenship and Immigration Services (USCIS) in the U.S. for information** on how to file an immigrant visa petition, form I-130, on your behalf. If the U.S. relative is a permanent resident of Germany (in possession of an “*aufenthaltserlaubnis*” or a SOFA card) s/he may file the petition with the local USCIS office here in Frankfurt.

The approved petition will be sent to the National Visa Center (NVC)** in the U.S., which will then advise you of the steps required to process your application to conclusion. (**If filed outside the United States, the approved petition will be sent directly to the Immigrant Visa Unit at the consular post overseas responsible for processing your case.)

Please note: If you are married to a U.S. citizen or planning to marry a U.S. citizen outside the U.S. and plan to permanently reside in the U.S. after marriage, your spouse must file an immigrant visa petition for you with the USCIS. Further information is available from the USCIS website at <http://uscis.gov>. If your spouse is in the U.S. s/he should also contact the local USCIS office for information. The processing of the I-130 petition and subsequent immigrant visa application takes several months.

If you are the widow/widower of a U.S. citizen, you should write to the Department of Homeland Security, Citizenship & Immigration Services (USCIS) at Giessener Strasse 30, 60435 Frankfurt/Main for information on your eligibility to file an immigrant visa petition on your own behalf. Please enclose a stamped, self-addressed envelope for the reply.

B. Employment-Based

A total minimum of 140,000 immigrant visas yearly are available for this category, which is divided into five preference groups:

1. Priority Workers: Persons of extraordinary ability in the sciences, arts, education, business, or athletics; outstanding professors and researchers; and certain multinational executives and managers (28.6%).

2. Members of the Professions: Professionals holding advanced degrees, and persons of exceptional ability in the sciences, arts, and business (28.6%).

3. Professionals, Skilled and Unskilled Workers: Professionals holding baccalaureate degrees, skilled workers with at least two years experience, and other workers whose skills are in short supply in the United States (28.6%).

4. Special Immigrants: Certain religious workers, ministers of religion, certain international organization employees and their immediate family members, and qualified, recommended current and former U.S. Government employees. (7.1%).

5. Investors: Persons who create employment for at least ten unrelated persons by investing capital in a new commercial enterprise in the United States. The minimum capital required is between \$500,000 and \$1,000,000, depending on the employment rate in the geographic area (7.1%).

How to apply: If you believe you qualify for immigration as a **priority worker** you or your prospective employer should contact the USCIS office having jurisdiction over the area of intended residence in the U.S. for information on filing a petition, form I-140. The decision on whether a person is qualified for registration as a priority worker is made by the USCIS. Questions about eligibility for such status or filing a petition should be addressed to the appropriate USCIS office. Detailed information is also available at: www.uscis.gov.

A specific offer of employment is required in order to qualify for immigration as a **member of the professions, professionals and skilled and unskilled workers**. Your prospective U.S. employer should contact the local state employment office about how to obtain certification that there are no qualified U.S. workers (**) available for the proposed employment. If labor certification is approved, your prospective U.S. employer will need to file the certification with an immigrant visa petition, form I-140, with the USCIS office having jurisdiction over the place where you plan to work. On approval, the immigrant visa petition will be sent to the National Visa Center (NVC), which will then send you the forms required to continue the processing of your application.

*{**Prior to filing a petition with the USCIS, members of the profession, professionals, skilled and unskilled workers, must obtain certifications from the Department of Labor that there are no qualified workers available for the proposed employment in the U.S.}*

If you believe that you may qualify for immigration as a **special immigrant**, you may write to the Consular Correspondence and Information Unit, U.S. Consulate General, Giessener Strasse 30, 60435 Frankfurt Main, indicating the category for which you wish to register, including the pertinent documentation to support your case. If you wish to apply for immigration as an **investor**, you should write to the office of the USCIS having jurisdiction over the place where you plan to invest in the United States and file form I-526.

C. Diversity Immigrant Visa Lottery

An annual Diversity Immigration Program makes available each year by random selection 55,000 immigrant visas to people from countries with low rates of immigration to the U.S. Eligibility to apply for this Program is determined by a person's place of birth, not citizenship. The applicant must have a High School education or two years-recent work experience in a skilled job. There is a separate registration for each year's visas. Information on how to apply and qualifying countries is announced annually and is available on the Mission Germany website at <http://usembassy.de> and <http://travel.state.gov>

VISA INELIGIBILITY/WAIVER

The immigration laws of the United States, in order to protect the health, welfare, and security of the U.S., prohibit visa issuance to certain applicants. This includes persons who have a communicable disease such as tuberculosis, or have a dangerous physical or mental disorder, or are drug addicts; have committed serious criminal acts, including crimes involving moral turpitude, drug trafficking, and prostitution or procuring; are terrorists, subversives, members of a totalitarian party or former Nazi war criminals; are likely to become public charges in the United States; have used fraud or other illegal means to enter the U.S.; or are ineligible for citizenship. Some former exchange visitors must live abroad 2 years. Physicians who intend to practice medicine must pass a qualifying exam before receiving immigrant visas.

If any of the above restrictions might apply, then a statement regarding the facts should be submitted to the consular officer, who will advise the applicant if the law provides for some form of waiver.

PREPARING FOR THE FORMAL VISA INTERVIEW

Documents normally required: The petitioner/sponsor for a family-based immigrant must provide an Affidavit of Support, Form I-864. Non-family based immigrant applications must show they will not become public charges in the U.S. All applicants must submit certain personal documents such as passports, birth certificates, police certificates, and other civil documents. The information provided here is intended only as a general listing of the documents normally required for presentation on the date of the formal visa interview. **However, please note that the processing Immigrant Visa Unit will contact the visa applicant directly to inform him/her of the pertinent paperwork they should assemble. It is not advisable to start this process until an approved petition has been received and the applicant is actually eligible to apply for an immigrant visa category.**

Medical Examinations: Before the issuance of an immigrant visa, every applicant, regardless of age, must undergo a medical examination. The examination will be conducted by a doctor designated by the consular officer once the applicant is ready for the final visa interview. Examination costs must be borne by the applicant, in addition to the visa fees.

Visa Fees: The cost of each immigrant visa application processing fee (per person) is (US) \$380. Fees must be paid per person regardless of age, and are not refundable. Local currency equivalents are acceptable. Fees should not be sent to the consular office unless specifically requested. The USCIS charges additional fees for filing petitions.

Numerical Limitations: Whenever there are more qualified applicants for a category than there are available numbers, the category will be considered oversubscribed, and immigrant visas will be issued in the chronological order in which the petitions were filed until the numerical limit for the category is reached. The filing date of a petition becomes the priority date. Immigrant visas cannot be issued until an applicant's priority date is reached. In certain oversubscribed categories, there may be a waiting period of several years before a priority date is reached. Check the Visa Bulletin on the State website for the latest priority dates.

Miscellaneous: Since no advance assurances can be given that a visa will be issued, applicants are advised not to make any final travel arrangements, not to dispose of their property, and not to give up their jobs until visas have been issued to them. An immigrant visa is valid for six months from date of issuance for travel to the United States.

With few exceptions, a person born in the U.S. has a claim to U.S. citizenship. Persons born in countries other than the U.S. may have a claim, under U.S. law, to U.S. nationality if either parent was born or naturalized in the United States, or either parent was a U.S. citizen at the time of the applicant's birth.

Any applicant believing that he or she may have a claim to United States citizenship should not apply for a visa until his or her citizenship has been determined by the consular office.

How to Apply for a Social Security Number Card: Before your relative arrives in the United States, you can help them learn how to obtain a social security number card after he/she becomes a legal permanent resident. To learn more about this process, visit the website for the Social Security Administration: www.ssa.gov.

FURTHER VISA INQUIRIES

Before submitting your inquiry, we request that you carefully review the following websites for more detailed information: www.travel.state.gov, www.state.gov, www.uscis.gov and www.usembassy.de. Very often you will find the information you need. You may submit case specific inquiries to: FrankfurtIV@state.gov.